

House File 271 - Reprinted

HOUSE FILE 271
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 63)

(As Amended and Passed by the House March 3, 2011)

A BILL FOR

1 An Act relating to criminal defendants and inmates by modifying
2 bail restrictions placed on criminal defendants and applying
3 credit for time served.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 811.1, subsections 1 and 2, Code 2011,
2 are amended to read as follows:

3 1. A defendant awaiting judgment of conviction and
4 sentencing following either a plea or verdict of guilty of a
5 class "A" felony, ~~murder,~~ forcible felony as defined in section
6 702.11, any class "B" felony included in section 462A.14 or
7 707.6A; ~~felonious assault; felonious child endangerment; sexual~~
8 ~~abuse in the second degree; sexual abuse in the third degree;~~
9 ~~kidnapping; robbery in the first degree; arson in the first~~
10 ~~degree; burglary in the first degree;~~ any felony included
11 in section 124.401, subsection 1, paragraph "a" or "b"; or a
12 second or subsequent offense under section 124.401, subsection
13 1, paragraph "c"; any felony punishable under section 902.9,
14 subsection 1; any public offense committed while detained
15 pursuant to section 229A.5; or any public offense committed
16 while subject to an order of commitment pursuant to chapter
17 229A.

18 2. A defendant appealing a conviction of a class "A"
19 felony; ~~murder,~~ forcible felony as defined in section 702.11;
20 any class "B" or "C" felony included in section 462A.14 or
21 707.6A; ~~felonious assault; felonious child endangerment; sexual~~
22 ~~abuse in the second degree; sexual abuse in the third degree;~~
23 ~~kidnapping; robbery in the first degree; arson in the first~~
24 ~~degree; burglary in the first degree;~~ any felony included in
25 section 124.401, subsection 1, paragraph "a" or "b"; or a second
26 or subsequent conviction under section 124.401, subsection
27 1, paragraph "c"; any felony punishable under section 902.9,
28 subsection 1; any public offense committed while detained
29 pursuant to section 229A.5; or any public offense committed
30 while subject to an order of commitment pursuant to chapter
31 229A.

32 Sec. 2. Section 903A.2, subsection 3, Code 2011, is amended
33 to read as follows:

34 3. Time served in a jail, ~~or~~ municipal holding facility, or
35 another facility prior to actual placement in an institution

1 under the control of the department of corrections and credited
2 against the sentence by the court shall accrue for the purpose
3 of reduction of sentence under this section. Time which
4 elapses during an escape shall not accrue for purposes of
5 reduction of sentence under this section.

6 Sec. 3. Section 903A.5, subsection 1, Code 2011, is amended
7 to read as follows:

8 1. An inmate shall not be discharged from the custody
9 of the director of the Iowa department of corrections until
10 the inmate has served the full term for which the inmate was
11 sentenced, less earned time and other credits earned and not
12 forfeited, unless the inmate is pardoned or otherwise legally
13 released. Earned time accrued and not forfeited shall apply
14 to reduce a mandatory minimum sentence being served pursuant
15 to section 124.406, 124.413, 902.7, 902.8, 902.8A, or 902.11.
16 An inmate shall be deemed to be serving the sentence from the
17 day on which the inmate is received into the institution. If
18 an inmate was confined to a county jail, municipal holding
19 facility, or other correctional or mental facility at any time
20 prior to sentencing, or after sentencing but prior to the case
21 having been decided on appeal, because of failure to furnish
22 bail or because of being charged with a nonbailable offense,
23 the inmate shall be given credit for the days already served
24 upon the term of the sentence. However, if a person commits
25 any offense while confined in a county jail, municipal holding
26 facility, or other correctional or mental health facility,
27 the person shall not be granted jail credit for that offense.
28 Unless the inmate was confined in a correctional facility, the
29 sheriff of the county in which the inmate was confined or the
30 officer in charge of the municipal holding facility in which
31 the inmate was confined shall certify to the clerk of the
32 district court from which the inmate was sentenced and to the
33 department of corrections' records administrator at the Iowa
34 medical and classification center the number of days so served.
35 The department of corrections' records administrator, or the

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1 administrator's designee, shall apply ~~jail~~ credit as ordered
2 by the court of proper jurisdiction or as authorized by this
3 section and section 907.3, subsection 3.